

**REPORT OF THE AUDIT OF THE
HOPKINS COUNTY
SHERIFF'S SETTLEMENT - 2008 UNMINED COAL TAXES**

**For The Period
April 15, 2008 Through August 25, 2009**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE HOPKINS COUNTY SHERIFF'S SETTLEMENT - 2008 UNMINED COAL TAXES

**For The Period
April 15, 2008 Through August 25, 2009**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2008 Unmined Coal Taxes for the Hopkins County Sheriff for the period April 15, 2008 through August 25, 2009. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$639,682 for the districts for 2008 Unmined Coal Taxes, retaining commissions of \$17,103 to operate the Sheriff's office. The Sheriff distributed taxes of \$622,540 to the districts for 2008 taxes. Taxes of \$94 are due to the districts from the Sheriff and refunds of \$55 are due to the Sheriff from the taxing districts.

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Donald E. Carroll, Hopkins County Judge/Executive

Honorable Frank Latham, Hopkins County Sheriff

Members of the Hopkins County Fiscal Court

Independent Auditor's Report

We have audited the Hopkins County Sheriff's Settlement - 2008 Unmined Coal Taxes for the period April 15, 2008 through August 25, 2009. This tax settlement is the responsibility of the Hopkins County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Hopkins County Sheriff's taxes charged, credited, and paid for the period April 15, 2008 through August 25, 2009, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated December 17, 2009 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to



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provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen

Auditor of Public Accounts

December 17, 2009

HOPKINS COUNTY
FRANK LATHAM, SHERIFF
SHERIFF'S SETTLEMENT - 2008 UNMINED COAL TAXES

For The Period April 15, 2008 Through August 25, 2009

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Total Per Sheriff's Official Receipt	\$ 111,123	\$ 33,436	\$ 468,944	\$ 94,555
Penalties	324	100	1,371	277
Gross Chargeable to Sheriff	111,447	33,536	470,315	94,832
<u>Credits</u>				
Exonerations	3,038	907	12,784	2,574
Discounts	1,884	567	7,949	1,603
Delinquents:				
Current Year Unmined Coal	5,788	1,731	24,358	4,904
Prior Year Unmined Coal	341	113	1,576	331
Total Credits	11,051	3,318	46,667	9,412
Taxes Collected	\$ 100,396	\$ 30,218	\$ 423,648	\$ 85,420
Less: Commissions *	4,267	1,284	7,922	3,630
Taxes Due	96,129	28,934	415,726	81,790
Taxes Paid	96,103	28,931	415,775	81,731
Due Districts or (Refund Due Sheriff) as of Completion of Audit	\$ 26	\$ 3	\$ (49)	\$ 59

* and ** See Next Page.

The accompanying notes are an integral part of this financial statement.

HOPKINS COUNTY
FRANK LATHAM, SHERIFF
SHERIFF'S SETTLEMENT - 2008 UNMINED COAL TAXES
For The Period April 15, 2008 Through August 25, 2009
(Continued)

* Commissions:

4.25%	on	\$	216,034
1.87%	on	\$	423,648

** Special Taxing Districts:

Library District	\$	(2)
Health District		(4)
City of Madisonville		9
		<hr/>

Due District or		
(Refunds Due Sheriff)	\$	<u>3</u>

HOPKINS COUNTY
NOTES TO FINANCIAL STATEMENT

August 25, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

HOPKINS COUNTY
NOTES TO FINANCIAL STATEMENT
August 25, 2009
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of August 25, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

Unmined Coal Taxes

The tangible personal property tax assessments were levied as of January 1, 2008. Property taxes were billed to finance governmental services for the year ended June 30, 2009. Liens are effective when the tax bills become delinquent. The collection period for these assessments was April 15, 2008 through August 25, 2009.

Note 4. Interest Income

The Hopkins County Sheriff earned \$24 as interest income on 2008 Unmined Coal Taxes. The Sheriff did not distribute the appropriate amount as required by statute. As of August 25, 2009, the Sheriff owed \$16 in interest to the school districts and \$8 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Hopkins County Sheriff collected \$1,767 of 10% add-on fees allowed by KRS 134.430(3). This amount was used to operate the Sheriff's office. As of August 25, 2009, the Sheriff did not pay any 10% add-on fees to his fee account.

Note 6. Advertising Costs And Fees

The Hopkins County Sheriff collected \$290 of advertising costs and \$395 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff did not distribute the advertising costs or advertising fees. As of August 25, 2009, the Sheriff owed \$290 in advertising costs to the county and \$395 in advertising fees to his fee account.

HOPKINS COUNTY
NOTES TO FINANCIAL STATEMENT
August 25, 2009
(Continued)

Note 7. Unrefundable Duplicate Payments And Unexplained Receipts

The Sheriff deposited unrefundable duplicate payments and unexplained receipts in an interest-bearing account. The Sheriff's escrowed amounts were as follows:

2005	\$6,083
2006	\$3,376
2007	\$6,329

KRS 393.090 states that after three years, if the funds have not been claimed, they are presumed abandoned, and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110.

Note 8. Escrow Account

The Hopkins County Sheriff's office maintains a separate account for monies received during the tax year that cannot be clearly explained or returned. By statute, the Sheriff maintains this money for three years, after which time the money is turned over to the State Treasurer. The beginning balance of this account was \$9,261. During the 2008 tax year, there was a receipt of \$6,329 due from a prior tax year, interest of \$67, and no expenditures leaving an ending balance of \$15,657 as of May 7, 2009.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Donald E Carroll, Hopkins County Judge/Executive
Honorable Frank Latham, Hopkins County Sheriff
Members of the Hopkins County Fiscal Court

Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the Hopkins County Sheriff's Settlement - 2008 Unmined Coal Taxes for the period April 15, 2008 through August 25, 2009, and have issued our report thereon dated December 17, 2009. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Hopkins County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Hopkins County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Hopkins County Sheriff's Settlement - 2008 Unmined Coal Taxes for the period April 15, 2008 through August 25, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Hopkins County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a stylized, flowing script.

Crit Luallen
Auditor of Public Accounts

December 17, 2009

